

REMARKS

The shortened statutory period for filing a response to the office action of September 23, 2008, ended on December 23, 2008. Since this response is filed after December 23, 2008 but prior to January 23, 2009, the applicant is submitting with this amendment, the fee for a one-month extension of time in which to respond. The Commissioner is authorized to charge the Kelly & Krause deposit account any fees necessary to have this amendment entered and considered.

Claims 1-20 were pending prior to this amendment. Upon entry of this amendment, claims 5, 9 and 18 will be cancelled leaving claims 1-4, 6-8, 10-17 and 19-20 pending.

In the office action that was mailed September 23, 2008, claims 1-20 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. pre-grant publication 2002/0029214 by Yianilos in view of U.S. patent 5,649,089 to Kilner. The Examiner's rejection is based on a misunderstanding of the differences between a checksum and hash function.

The rejection was final and, on November 19, 2008, the applicant filed an After-Final response wherein the applicant explained to the Examiner that a checksum is not a hash function. The applicant's After-Final response quoted a published computer textbook entitled, The Computer Desktop Encyclopedia, Copr., 2001 by The Computer Language Company, Inc. in support its position that a checksum is not a hash function.

On December 1, 2008, an Advisory Action was mailed, which maintained the rejection. The Examiner cited an entry from *Wikipedia.com* as evidence that a checksum and hash code are the same thing, at least for purposes of the pending claim rejections.

The applicant reiterates its previously-made argument that a checksum and a hash code are not equivalent. The applicant maintains its contention that the rejections were improper. *Everyone* knows that a checksum cannot detect two, off setting or self-canceling errors in a list, whereas a hash function will detect every error.

Notwithstanding the impropriety of the claim rejections, the applicant has amended the independent claims to "traverse" the final claim rejections in an effort to expedite issuance of the

applicant's patent. The claim amendments made by this response are not considered by the applicant to be a subject matter surrender under *Festo*.

Paraphrased, amended independent claims 1 and 15 require reception of a "synchronization initiation message," as stated in paragraph [0022] of the applicant's published application. After the synchronization initiation message is received, hash values are calculated from individual database records. A group hash value is formed from the hash values calculated from individual records, as was stated in the claims as they were originally filed.

As stated in paragraphs [0018] and [0021], the amended claims recite that a "group identifier" identifies a group or set of individual records, from which individual hashes are formed. The individual hashes of individual records are then used to form the group hash value. The group identifier thus identifies the set of database records from which individual hash values were formed, which were then used to form a group hash value.

Importantly, the amended claims require the transmission of both the group hash value and the group identifier to the network part, as stated in paragraph [0046]. When both values are received at the network part, the group identifier is used to identify to the network part, network database records from which, individual hash values are calculated, which are in turn used to calculate a network copy of the group hash value. See paragraph [0021] and see FIG. 3.

Finally, the claims require that the network copy of the group hash value and the mobile copy of the group hash value be compared to each other. If they do not match, the claims require the transmission of individual hash values, which enables the identification of a particular record that requires updating. See paragraphs [0019] and [0020].

Support for each new limitation added to the independent claims can be found in the passages cited above. No new matter has been added.

Various dependent claims that have been subsumed into the amended independent claims have been cancelled, without prejudice. Upon entry of this amendment, claims 1-4, 6-8, 10-17 and 19-20 will remain pending.

The applicant contends that no reference or combination of references cited by the Examiner show or suggest the subject matter recited in amended claims 1 and 15. If the Examiner disagrees, the applicant asks the Examiner to identify by column and line number where each and every pending claim limitation can be found in the cited references.

Since the amended independent claims are in condition for allowance, the dependent claims that remain pending are also in condition for allowance. Reconsideration of the pending claims is respectfully requested.

Respectfully submitted,

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